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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-third session
1–19 July 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined third to fifth periodic reports of Mozambique

Constitutional, legislative and policy framework

1. Please indicate whether the State party has taken measures to provide legal remedies and sanctions for the application of the prohibition of discrimination against women, in accordance with the Committee's previous recommendations (CEDAW/C/MOZ/CO/2, para. 13). With regard to the revision of legislation to amend or repeal discriminatory provisions that contradict the provisions of the Convention (CEDAW/C/MOZ/3-5, para. 7),[1] please indicate whether the State party has taken steps to revise laws governing inheritance rights. Please also specify how the State party ensures that the provisions of the Convention are upheld and take primacy over any other conflicting provisions of law and give specific examples where the rights under the Convention have been invoked before national tribunals or courts and where reference to those rights has been made in the jurisprudence, including the revised Commercial Code with regard to women's autonomy in business.

Access to justice

2. Please provide information on the legal aid regime in place and the extent to which all women and girls, including those with little or no income and those who do not speak Portuguese, can gain access to legal aid. Please inform the Committee about measures taken to: (a) improve access to justice for women and girls who are victims of discrimination or gender-based violence, including domestic and sexual violence; (b) enhance the legal literacy of women, in particular rural women, with regard to procedures available to them to enforce their rights under the Convention, challenge discrimination and seek redress; and (c) ensure due diligence by law enforcement

[1] Unless otherwise indicated, paragraph numbers refer to the combined third to fifth periodic reports of the State party.

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officials when conducting investigations in order to encourage reporting and prevent revictimization. Please also indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors, lawyers and law enforcement officials and how that is reflected in the administration of justice and provision of protection services.

National machinery for the advancement of women

3. Please provide information on the human, financial and technical resources allocated to the existing national machinery, including the Ministry of Gender, Children and Social Action and the national and district councils for the advancement of women. Please also provide information on the activities of the councils, the conditions for implementing the agreed gender plans and whether there are additional budgets or incentives for the councils that deliver on the commitment of the Government to gender equality. Please also specify how the State party ensures effective coordination between the national and district councils for the advancement of women and the gender units within the various ministries, institutions of higher education and the Constitutional Court. Please also clarify the role of the gender focal points within the government ministries in implementing strategies for the advancement of women and whether they have received training on women's rights and the Convention.

4. Please describe how the five-year government plan for poverty reduction has employed instruments and policies to ensure equality of opportunities. With regard to the national plan for the advancement of women for the period 2010–2014, please provide information on: (a) how its implementation was coordinated with the implementation of other gender strategies and action plans (para. 39); (b) how its implementation was monitored and assessed; (c) how its results have influenced the development of related policies and programmes; and (d) whether another national plan is envisaged. Please also describe any measures taken to ensure that gender is effectively mainstreamed into all national policies related to the economic empowerment of women, in particular in the labour, agricultural and extractive sectors, and the mechanisms in place to monitor the impact of gender-related activities across all sectors.

Women and peace and security

5. Please provide information on the recently adopted national action plan on women and peace and security for the period 2018–2022, including how it ensures the participation of women and civil society organizations, its coordination arrangements, the resources allocated for its implementation and its monitoring and evaluation mechanisms. Please also explain how the State party ensures the participation of women in ongoing peace processes and whether women affected by past hostilities have been provided with adequate access to justice, redress and assistance, including psychological support, in accordance with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Please also specify what measures have been taken to provide assistance to women and young girls who have been affected by the ongoing violence in Cabo Delgado, including those who have been internally displaced.

National human rights institution

6. Please indicate whether the National Human Rights Commission, established in 2012, has a broad mandate to promote and protect women's rights and gender equality. Please also provide information on: (a) the resources allocated to the Commission to fulfil its mandate; (b) the measures taken to ensure its independence, effectiveness and capacity to deliver on its mandate for the promotion of gender

equality, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles); and (c) any steps taken to apply to the Global Alliance of National Human Rights Institutions for accreditation.

Temporary special measures

7. Please indicate whether any temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, have been adopted to accelerate the achievement of substantive equality between women and men in all areas, including with regard to: (a) decision-making and governance positions; (b) education; (c) employment; (d) veterinary services and mining and extractive industries; and (e) overcoming the disadvantages experienced by specific groups of women subject to multiple forms of discrimination, including women heads of household, rural women, older women, refugee and asylum-seeking women and women with disabilities. Please also provide information on any awareness-raising programmes to promote understanding of the importance and non-discriminatory nature of temporary special measures, as well as any incentives, sanctions or timebound targets in place to encourage the use of temporary special measures.

Stereotypes and harmful practices

8. Please provide information on the impact of measures taken to eradicate harmful practices that perpetuate discrimination and violence against women, such as polygamy and child or forced marriage, and to promote a positive and non-stereotypical portrayal of women and men in the media and in education curricula (para. 78). Please also provide information on cases of early and forced marriage that have been brought before the courts and on the outcomes of those cases. Please also provide information on measures taken to address beliefs in witchcraft that perpetuate violence against women and girls, especially those with albinism.

Gender-based violence against women

9. Please clarify whether legislation, including the revised Penal Code and the Law on Domestic Violence of 2009, explicitly criminalizes domestic violence, marital rape, sexual harassment and all forms of sexual abuse and provides victims with immediate means of redress and protection, including the issuance of restraining orders. Please provide more information on the measures taken to effectively implement legislation concerning gender-based violence against women and on any obstacles encountered in implementation. With regard to the national plan to prevent and combat violence against women, please indicate what human, technical and financial resources were allocated for its implementation, which entity is responsible for its implementation and how its implementation has been assessed. Please also provide updated statistical data on: (a) gender-based violence against women, including domestic and sexual violence, disaggregated by sex, age, nationality, geographical location and relationship between the victim and perpetrator; and (b) prosecutions for gender-based violence against women and the punishments imposed, including for perpetrators who married their victims, following the revision of the Penal Code (para. 9).

Trafficking and exploitation of prostitution

10. Please provide updated information, including any statistical data, on the prevalence of trafficking and exploitation of prostitution in the State party and on the number of prosecutions under related legislation, including the Law on Preventing and Combating Trafficking in Persons (Law 6/2008). Please also provide updated

information on any measures taken to: (a) address the root causes of trafficking and exploitation of prostitution; (b) prevent women and girls in vulnerable situations from entering into prostitution, including through the provision of alternative income opportunities and exit programmes for women wishing to leave prostitution; (c) improve the identification and referral of victims, enhance their protection and provide them with necessary support services; and (d) raise public awareness of trafficking in persons. In that regard, please also provide information on the measures taken or envisaged to address the challenges identified by the State party with respect to the identification and referral of victims and the collection of related data (para. 62).

Participation in political and public life

11. Please inform the Committee about the timeline for operationalizing the network of women ministers and parliamentarians (para. 37) and any challenges with regard to its effective operation. Please also provide information on concrete measures to: (a) increase the representation of women, in particular women belonging to ethnic minority groups, in the Government and in provincial, district and municipal councils, such as incentives implemented by political parties to increase the representation of women in decision-making positions and capacity-building programmes for women who wish to enter political life or to hold public office; (b) eliminate the barriers to the participation of women in political and public life; and (c) raise awareness among politicians, the media, community leaders and the general public on the fact that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention. Please also specify any concrete or measurable results that have been achieved through the Law of Local State Institutions, including whether it has led to an increase in the political participation of women in the district and local councils.

Education

12. In view of the low rates of literacy and enrolment in secondary and tertiary education, please provide information on the measures taken to: (a) address the causes of high dropout rates among girls; (b) promote access for women and girls to tertiary education, such as through advocacy and scholarships; and (c) reduce the extremely high dropout rates among girls and illiteracy rates among women and girls. Please indicate whether pregnant girls are permitted to continue attending school and provide information on any re-entry programmes in place for young women and girls who have dropped out of school owing to early pregnancy or child marriage. Please also provide updated statistical data, disaggregated by sex, age, ethnicity and area of residence (rural or urban), on the dropout rates among girls at all levels of education.

13. Please update the Committee on the measures taken to ensure that those responsible for the sexual abuse or harassment of girls in the education system are effectively punished, in accordance with the Committee's previous recommendations (CEDAW/C/MOZ/CO/2, para. 33), and provide statistical data on the number of perpetrators who have been prosecuted. Please also provide information on the impact of measures taken to prevent the sexual abuse or harassment of girls in the education system, including by discouraging the settlement of such cases through the marriage of the victim to the aggressor.

Employment

14. Please provide information on the achievements of the gender strategy for the public sector for the period 2009–2013 in accelerating substantive equality between women and men in employment. Please also elaborate on the measures taken to:

(a) ensure equal opportunities of access to the labour market and professions for women and men; (b) monitor and enforce the implementation of the principle of equal pay for work of equal value, in particular in the private sector; and (c) strengthen the participation of women in public and professional fields through "the design of guiding instruments, the review of labour legislation and the regulation of the public sector" (para. 88), including by providing information on the government body or agency responsible for implementation and the results achieved. In view of the fact that the Labour Law (Law 23/2007) does not apply to women working in the informal sector (para. 95), please indicate what measures are in place to ensure the protection of women working in the informal sector, including their access to maternity protection and financial credit. Please also provide information on the number of women-owned businesses and enterprises resulting directly or indirectly from new legal provisions or the revised Commercial Code.

15. Please provide information on how many women benefited from the employment and professional training strategy for the period 2006–2014, how it has addressed gaps and challenges in the mining and extractive industries and the road sector and whether it has nurtured the development of female role models in these fields. Please also indicate whether the current legislation, including the Labour Law and the General By-Laws for Public Servants and State Agents, explicitly prohibit sexual harassment in the workplace, what sanctions are in place for perpetrators and whether victims have access to means of redress. Please also provide information, including statistical data, on the availability and affordability of State childcare facilities, which allow women and men to reconcile work and family life.

Health

16. Please provide information on the percentage of the national budget allocated to reducing the maternal mortality rate and ensuring access for women to basic health-care services, including essential obstetric care and sexual and reproductive health services, in particular for women living in rural and remote areas. Please clarify the grounds under which abortion is now permitted in the State party (para. 9) and, in view of the large number of deaths resulting from unsafe abortions, please provide information on concrete measures taken to prevent unsafe abortions and remove any barriers to access for women to safe abortion services. Please also provide information, including updated statistical data, on teenage pregnancy rates, unsafe abortion, the prevalence of cervical and breast cancer, the mental health status of women and girls, and the treatment available to them.

17. Please indicate whether any measures have been taken to evaluate the impact of the national multisectoral plan on gender and HIV, as well as the Law on the Defence of Rights and the Fight against the Stigmatization of and Discrimination against People Living with HIV/AIDS, especially in addressing the disproportionate impact of HIV/AIDS on women and girls and the consequences of HIV/AIDS for the family and society. Please also provide information on the availability, accessibility and affordability of confidential family planning services, modern contraceptives and prevention and early-detection programmes for women and girls living with HIV/AIDS, particularly those in rural and remote areas.

Economic and social benefits

18. Please provide information on the eligibility criteria for social protection schemes regulated by Law 4/2007 on Social Protection and whether they are accessible to all groups of women, including women engaged in the informal sector, women heads of household and women performing unpaid care work in the family. Please also indicate whether there are measures in place to ensure that the national social security programme is implemented in a gender-sensitive manner and to

facilitate equal access for women to financial services, credit and insurance schemes. Please also inform the Committee about the impact of the measures taken to increase access for women to microfinance loans and financial schemes and provide training on small business management (para. 102), including information on the number of women-owned micro-, small and medium-sized enterprises currently in operation as a result of those measures. Please also clarify what kinds of financial schemes are available to women under the agricultural development fund and microfinancing institutions such as Gapi and Banco Oportunidade (para. 123), how many women have benefited from those services and what the impact has been.

Gender and climate change

19. With reference to the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide updated information on the 2010 action plan and strategy on gender, environment and climate change, including how it takes into account the disproportionate negative effects of climate change on the rights of women, the specific human and financial resources allocated for its implementation and whether women participated in its formulation and implementation. Please also indicate what steps have been taken to evaluate the impact of environmental degradation on rural women and ensure that the solutions and policies adopted take such evaluations into account, in line with the Committee's previous recommendation (CEDAW/C/MOZ/CO/2, para. 41).

Rural women

20. Please inform the Committee about measures taken to increase and strengthen the participation of women in the planning and implementation of local development plans, in line with the Committee's previous recommendation (CEDAW/C/MOZ/CO/2, para. 41), including in the extractive industries sector. Please also provide information on any training and capacity-building opportunities for rural women who wish to enter into decision-making positions, including at the district and provincial levels and in the extractive industries sector. Please also provide information on the legal framework governing the activities of extractive industries and how the State party ensures that they do not undermine the rights of rural women to land ownership and their livelihoods. Please also specify what complaint mechanisms are available to women who have been negatively affected by the activities of extractive industries or have faced discrimination in their rights to access to and ownership and inheritance of land and provide data on the complaints received, including the nature of violations, the sanctions applied and the remedies provided to the victims.

Older women and women with disabilities

21. With reference to the Committee's previous recommendations (CEDAW/C/MOZ/CO/2, para. 43), please provide information, including updated statistical data, on the situation of older women and women with disabilities and the impact of the measures taken, including through the policy on older persons under the national social protection scheme and the national action plan for persons with disabilities, to alleviate poverty within those groups of women and to combat all forms of discrimination against them. Please also indicate whether any specific measures have been taken to challenge harmful traditional views regarding older women, particularly accusations of witchcraft, and to provide identity cards free of charge in order to guarantee their full access to social services and social protection.

Women in detention

22. Please provide information on: (a) the number of women in detention, including pretrial and administrative detention; (b) the number of detention facilities, as well as the availability of education, job skills training and health and social services for women in detention; (c) the availability of alternatives to detention, in particular for pregnant women and mothers with children; and (d) the measures in place to prevent the sexual harassment or assault of women in detention by male guards.

Marriage and family relations

23. Please provide information on the concrete measures taken to implement the Committee's previous recommendations (CEDAW/C/MOZ/CO/2, para. 45) to: (a) monitor the implementation of the Family Law (Law 10/2004) to guarantee equal rights for women in marriage and family relations; (b) ensure that formal legal provisions prevail over customary law; and (c) provide legal protection for women in de facto unions and children resulting from such unions. Please also provide more information on the study on the application of the Family Law and related advocacy initiatives (para. 59) and how it has informed the development of related policies and programmes. Please also indicate whether and how gender-based violence against women in the domestic sphere is taken into account in rulings on child custody and visitation rights.